

**Investigative and Enforcement Services****Settlement Agreement**

USDA, APHIS, IES  
4700 River Road, Unit 85  
Riverdale, MD 20737  
Phone: (301) 734-8684  
Fax: (301) 734-4328

**RESPONDENT:****1<sup>st</sup> Address**

City of Asheville  
WNC Nature Center  
75 Gashes Creek Road  
Asheville, NC 28805

**2<sup>nd</sup> Address**

City of Asheville  
City Attorney  
P.O. Box 7148  
Asheville, NC 28802

**CASE NUMBER** NC09025-AC**DUE ON OR BEFORE** January 30, 2011  
**CONTACT** Matthew J. Bromeland  
**PHONE** (301) 734-2263**DATE****CITATION****DESCRIPTION**

SEE ATTACHMENT  
(PAGE 1 OF 3)

**PENALTY** \$6,857**TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

**Signature of Respondent:****Date:****PAYMENT RECORD - FOR IES USE ONLY**

Payment Type	Date	Amount	Signature of IES Representative

T04A – Settlement Agreement  
7/1/09

DATE	CITATION	DESCRIPTION
19-NOV-2008	9 CFR § 3.125(a)	<p><b>Facilities, general. Structural strength.</b> The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to have structurally sound housing facilities maintained in good repair. The frame of the exterior door to the den area for the coyote was significantly damaged. This damage compromises the structural integrity of the door to which the coyote has direct access. The perimeter fence and several enclosures throughout the facility had trees, brush, and vines growing through and over the wire fencing. This excessive overgrowth stretches the wire fencing and compromises its strength and structural integrity. The tree in the center of the run enclosure for the bears was dead and decaying. This tree is a potential injury hazard to the animals and could also damage the enclosure should it fall.</p>
19-NOV-2008	9 CFR § 3.131(c)	<p><b>Sanitation. Housekeeping.</b> Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart.</p> <p>Respondent failed to keep all premises clean and in good repair. The metal guillotine doors and frames of the night enclosures for the gray foxes and coyotes were excessively rusty. The excessive rust does not allow for adequate sanitization.</p>
18-FEB-2009	9 CFR § 3.125(a)	<p><b>Facilities, general. Structural strength.</b> The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to have structurally sound housing facilities maintained in good repair. The frame of the exterior door to the den area for the coyote was significantly damaged. The perimeter fence and several enclosures throughout the facility had excessive overgrowth growing through and over the wire fencing. The tree in the center of the run enclosure for the bears was dead and decaying. Several other trees on the property were dead or dying.</p>

DATE	CITATION	DESCRIPTION
18-FEB-2009	9 CFR § 3.131(c)	<p><b>Sanitation. Housekeeping.</b> Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart.</p> <p>Respondent failed to keep all premises clean and in good repair. The metal guillotine doors and frames of the night enclosures for the coyotes were excessively rusty.</p>
19-MAY-2009	9 CFR § 3.125(a)	<p><b>Facilities, general. Structural strength.</b> The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to have structurally sound housing facilities maintained in good repair. The perimeter fence and some enclosures had trees, brush, and vines growing through and over the wire fencing. The exercise area for the coyotes had approximately two feet of debris, including rocks, limbs, leaves, and dirt, packed against the lower portion of the fence. The weight of the overgrowth and debris stresses the structural integrity of the fencing and inhibits Respondent's ability to check the fencing for damage and defects.</p>
29-OCT-2009	9 CFR § 3.125(a)	<p><b>Facilities, general. Structural strength.</b> The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to have structurally sound housing facilities maintained in good repair. The guillotine gate between the den areas in the gray wolf night house had areas with paint missing and excessive rust. The wall in the bobcat night house had peeling paint in several areas to the right of the staff entry door. One of the deer enclosures had a section of fence approximately 40 feet long with an excessive amount of weeds and vines growing on and through the fence.</p>